

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIE G. JAMES BOOKER,

Plaintiff,

V.

A. LOUIE, et al.,

Defendants.

CASE NO. 3:24-cv-05650-LK-DWC

REPORT AND RECOMMENDATION

Noting Date: December 16, 2024

The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge David W. Christel. Plaintiff Willie G. James Booker, proceeding *pro se*, initiated this civil rights action on August 7, 2024, by filing a proposed civil rights complaint. Dkt. 1. To date, the Court has not received any other filings from Plaintiff. *See docket.* In addition, legal mail sent to Plaintiff has been returned to the Court as undeliverable. Dkt. 4. As Plaintiff has failed to properly prosecute, the undersigned recommends this action be dismissed without prejudice.

A party proceeding *pro se* shall keep the Court and opposing parties advised as to his or her current mailing address. Local Rules, W.D. Wash. LCR 41(b)(2). If mail directed to a *pro se*

1 plaintiff by the Clerk is returned by the Postal Service and if the plaintiff fails to notify the Court
2 and opposing parties within 60 days thereafter of his or her current mailing address, the Court
3 may dismiss the action without prejudice for failure to prosecute. *Id.*

4 The relevant procedural history shows that Plaintiff did not pay the filing fee or apply to
5 proceed *in forma pauperis* (IFP) when he initiated this action in August 2024. *See* Dkt. 1, 2. The
6 Clerk's Office notified Plaintiff of his filing deficiencies and informed him that failure to pay the
7 filing fee or submit a completed IFP application by September 6, 2024, could result in dismissal
8 of his action. Dkt. 2. That deadline elapsed with no filing fee or IFP application received from
9 Plaintiff. *See docket.*

10 On September 19, 2024, the Court ordered Plaintiff to file a complete IFP application or
11 pay the \$405.00 filing fee on or before October 16, 2024. Dkt. 3. Plaintiff was advised that
12 failure to accomplish either of those tasks by the stated deadline would result in a
13 recommendation this action be dismissed for failure to properly prosecute and for failure to
14 comply with a court order. *Id.* The Court's order was returned as undeliverable on September 26,
15 2024. Dkt. 4. More than 60 days have passed, and Plaintiff has not provided the Court with an
16 updated address as required by LCR 41(b)(2). *See docket.*

17 Accordingly, the undersigned recommends this action be dismissed without prejudice for
18 failure to comply with a court order and for failure to properly prosecute.

19 Objections to this Report and Recommendation, if any, should be filed with the Clerk not
20 later than **fourteen (14) days** from the date on which this Report and Recommendation is signed.
21 Failure to file objections within the specified time may affect your right to appeal. Objections
22 should be noted for consideration on the District Judge's motions calendar **fourteen (14) days**
23 from the date they are filed. Responses to objections may be filed by **the day before the noting**

1 **date.** If no timely objections are filed, the matter will be ready for consideration by the District
2 Judge on **December 16, 2024.**

3 Dated this 27th day of November, 2024.

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6 David W. Christel
7 United States Magistrate Judge
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